



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Donald Kern,
Manager 2, Motor Vehicle
Commission (PS3979T), Motor
Vehicle Commission

Examination Appeal

CSC Docket No. 2022-2

ISSUED: AUGUST 6, 2021 (SLK)

Donald Kern appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Manager 2, Motor Vehicle Commission (PS3979T), Motor Vehicle Commission.

The closing date for the subject examination was October 21, 2020. The education requirements were a Bachelor’s degree. The experience requirements were six years of experience involving planning, budgets, and administration of programs in a large public or private agency, three years of which shall be in a supervisory capacity. The appellant was the only applicant and the examination was cancelled due to a lack of qualified candidates.

On the appellant’s application, he indicated that he possessed a Bachelor’s degree. The appellant also indicated that he was a provisionally serving in the subject title from January 2020 to the October 21, 2020 closing date, a Supervisor 2, MVC from January 2019 to January 2020, a Supervisor 1, MVC from July 2014 to January 2019, a Senior Technician MVC from July 2010 to July 2014, a Customer Service Representative 2 from November 2006 to July 2010, a Customer Service Representative 4 from June 2004 to November 2006, a Transitional Customer Service Representative 4 from June 2003 to June 2004, and a System Development Specialist Associate for ACS Government Services, Inc. from April 2001 to May 2002. Agency Services credited the appellant for his Bachelor’s degree and 10 months of experience

based on his provisional service in the subject title, but determined that he lacked five years and two months of general experience and two years and two months of supervisory experience.

On appeal, the appellant describes how he performs the required duties while provisionally serving in the subject title. Additionally, he describes how, as a Supervisor 2 and 1, MVC, he assisted the Center Manager in the supervision of programs and subordinate staff. Further, the appellant submits a letter from his supervisor, the Director, Customer Information and Advocacy, which confirms that he has been successfully performing the duties of the subject title for one-year and one-half years while serving provisionally.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that the Commission may relax these rules for good cause in a particular situation, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant was ineligible as his application did not indicate that he was performing the required duties outside of his provisional service in the subject title. However, on appeal, the appellant describes how he assisted the Center Manager in administering programs and supervised subordinate staff while serving as a Supervisor 2 and 1, MVC. Further, the Director, Customer Information and Advocacy confirms that he has been successfully performing the duties of the subject title for one-year and one-half years while serving provisionally. Additionally, the subject examination was cancelled due to a lack of qualified candidates as the appellant was the only applicant and the appellant continues to successfully provisionally serve in the subject title. Therefore, the Commission finds good cause under *N.J.A.C.* 4A:1-1.2(c) to find that the appellant has met the experience requirements, for eligibility purposes only, and admit him to the examination.

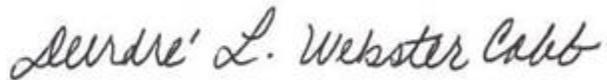
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination announcement be rescinded, and Donald Kern's application be processed for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 4TH DAY OF AUGUST, 2021



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